

**Town of Shrewsbury - Board of Selectmen**  
**Richard D. Carney Municipal Office Building-Selectmen's Meeting Room**  
**100 Maple Avenue**  
**Monday, January 9, 2006 at 7:00 PM**

**Minutes**

**Present:**

Bruce Card, Maurice DePalo, Thomas Fiore, Philip Hammond, and Daniel Morgado, Town Manager. Mr. Hammond called the meeting to order at 7:04pm.

**Absent:** John Lebeaux.

**Preliminaries:**

1. Approve bills, payrolls and warrants, #0653 in the amount of \$1,598,976.18, and #0656 in the amount of \$1,173,425.44. Motion made, seconded and unanimously approved.
2. Approve Minutes of December 19, 2005. Motion made, seconded and unanimously approved.
3. Announcements – Mr. Card complimented the organizers of the Caroling on the Common event on December 23<sup>rd</sup>. The event was well attended and enjoyed by all. He added that next year snow fencing should be erected around the band stand to prevent damage to the plantings. Mr. Hammond reminded everyone that this Thursday, January 12<sup>th</sup> at 7:00pm there will be a public hearing in this room to get feedback from residents as to why the fall ballot question on the fire facilities failed and the fire truck was approved. All are invited to attend and give their opinions.
4. Town Manager's Report - Nothing other than what is on the agenda. Mr. Morgado advised that he would not be asking for an executive session this evening.

**Meetings:**

**Public Hearings:**

5. 7:05pm – K.G. Lee Corp. d/b/a Horton's Market, Ki Sung Lee, owner, Transfer of Wine & Malt Beverages Package Store License from Jungsu Kim. Hours of operation Monday to Saturday 8:00am to 11:00pm. Mr. Lee and attorney Richard Ricker were in attendance. Mr. Ricker explained that Mr. Lee has no plans to change the operation of the business but to keep it as it is now, a family business. Mr. Hammond advised that all department head reports were favorable and opened the hearing to the public. Jeanette Perry, 123 Clinton Street, voiced concern about the proposed business hours of Monday through Saturday of 8:00am to 11:00pm as it is a dark area and young people tend to congregate there. Mr. Ricker said that even though the license currently states that the business may be open from 8:00am until 11:00pm the present owner does not open during that time period but from 7:00am to 9:00pm. Mr. DePalo asked if Mr. Lee would have a problem in changing his hours of operation to Monday through Saturday, 7:00am to 9:00pm. Mr. Lee stated that he did not. As there was no further input from the public, motion was made, seconded and unanimously voted to close the hearing. Motion was made to approve the transfer of the Wine & Malt Beverages Package Store License from Horton's Market, Jungsu Kim, owner, to Horton's Market, Ki Sung Lee, owner, hours of operation: Monday through Saturday 7:00am to 9:00pm. Motion was seconded and unanimously voted.
6. 7:30pm – Rose's Restaurant, Inc., 15 Lake View Avenue, Abrahao Louzada Duarte, owner, Common Victualler's License. Hours of operation: Sunday to Saturday 11:30am to 10:00pm. Mrs. Duarte, wife of the owner, and Joyce Silva, translator, were present. Mr. Hammond advised them that the Board had been informed by representative of the property owner, Boonchai Tantinarawat of Thai Time Restaurant that they were no longer operating at this location. Mr. DePalo advised Mrs., Duarte that they had been operating without a license and should have applied for one prior to opening the establishment. After a discussion it became obvious to the Board that there has been a misunderstanding between the applicant and the property owner partly due to language difficulties. Mrs. Duarte was advised to have her husband submit a letter

withdrawing the application. They can then reapply for a Common Victualler's License at another location without penalty. The Board unanimously voted to continue the hearing until January 23<sup>rd</sup> at 7:30pm.

### **Old Business:**

### **New Business:**

7. Town Clerk appointment. Mr. Hammond advised that up until last year's Annual Town Meeting the position of Town Clerk had been an elected position. However, at the Annual Town Meeting it was voted to make this position an appointment by the Board of Selectmen. The current Town Clerk, Ann Dagle, was elected to the position and her term will expire this May. Mr. Hammond asked Mr. Morgado to contact Mrs. Dagle to ascertain whether she wishes to be appointed to the position when her present term expires.
8. Thai Time Restaurant. Sally Tantarawat, wife of the owner, and Atty. Elaine Baltus were present. Atty. Baltus advised the Board that Mr. Tantarawat was out of the country in Thailand but would be returning by the end of the month. They were advised that Thai Time has an issue of non-compliance with the town and with the ABCC. Ms. Baltus explained that the issues of non-compliance cited by the Building Inspector and Fire Chief had been resolved. She added that Rose's Restaurant which had been operating as a sub-tenant would cease operation as of tomorrow. Mr. Morgado advised Mrs. Tantarawat and her attorney that although these issues are now resolved they were not in time for the deadlines set by ABCC and the town and that they had been informed of that several times. They may be in compliance now but they were not when renewals were filed with ABCC so there is a question as far as ABCC is concerned. Mr. Morgado advised the attorney to get in touch with the ABCC. After a discussion, the Board decided to hold any action at this time and revisit this matter on January 23<sup>rd</sup> as old business after Mr. Tantarawat has returned from Thailand and all the certifications and letters are in hand.
9. Request from McManus Excavating Co., Inc. to open street in Highland Hills Subdivision. Brian Bernier of McManus Excavating was present. He advised the Board that McManus would like a permit to open Kalamat Farms Circle in the Highland Hills Subdivision in order to construct a cross-country sewer. His company feels that this work is better performed when there is a frost in the ground due to the high groundwater table in that area. Mr. Morgado advised that it is the Town's policy not to allow any road openings in the winter unless approved by the Selectmen. After a short discussion, the Board decided that allowing a street opening during the winter could start a precedent and denied the request from McManus.

### **Executive Session:**

10. Collective bargaining, pending litigation and value of real property.

### **Communications:**

11. Noted copy mailed: Letter from Mark Adler, 55 Gulf Street, re vacancy on Library Board of Trustees. Place on file for consideration at Joint Meeting with Library Board of Trustees on January 23<sup>rd</sup>.
12. Noted copy mailed: E-mail from Andrew Carlstrom, 31 Gulf Street, re hunting. Will take under advisement.
13. Noted copy mailed: City & Town, Vol. 18, No. 10, November/December 2005.
14. Noted copy mailed: Letter from Polito Development re Winter Maintenance Operation Plan acknowledgements.
15. Noted copy mailed: Letter from Executive Office for Administration & Finance re Commonwealth's Search for Lease Space.
16. Noted copy mailed: Letter from Rabbi Michoel Green, Congregation Agudath Achim Chabad, re Menorah on Town Common.
17. Noted copy mailed: School Committee Meeting Agenda, 1/4/06.
18. Noted copy mailed: Letter from Michael Traynor re Shrewsbury Development Corporation. Board will advertise for applicants and send letter to Mr. Traynor thanking him for his service. Mr. Fiore reminded the Board that they had not received an update from the SDC in sometime and although they have been inactive of late would it be possible for them to a meeting in the near future and give a report. Mr. Morgado will follow up.

19. Noted copy mailed: Letter from Dept. of Revenue, Audit Division requesting information on liquor license and common victualler license holders.
20. Noted copy mailed: Letter from Bill & Pat Gulbicki, 31 Green Street, re hunting. Mr. Morgado advised the Board that Engineering is doing a GIS study which will be available at the next meeting.
21. Noted copy mailed: Letter from Fazal Rindani, India Food & Gifts, 264 Boston Turnpike, re parking on left side of Brown Road. Mr. Fiore said this was a safety issue that had been before the Board a few years ago. After a discussion, it was decided to forward a request to Chief Sampson for report and pull previous correspondence and actions on this issue and distribute to Board members before taking any action.
22. Noted copy mailed: E-mail from Benjamin Tartaglia, 19 Knowlton Road, re Fire Facilities Public Hearing 1/12/06. Mr. Tartaglia and his group are invited to attend the January 23<sup>rd</sup> hearing and speak if they so desire. Handouts may be distributed but there will be no formal presentations.
23. Noted copy mailed: E-mail from Benjamin Tartaglia, 19 Knowlton Road, re Title. Letter will be sent thanking Mr. Tartaglia for his comments but the Board will continue to follow their present format.
24. Noted copy mailed: Notice of Regional Public Safety Meeting from Town of Paxton Board of Selectmen.
25. Noted copy mailed: Letter from Mr. Morgado appointing Martin Green to the COA for a one year term expiring 6/30/07.
26. Noted copy mailed: Memo from Dept. of Conservation & Recreation re Dam Safety Regulations – 302 CMR 10.00. Mr. Morgado advised the Board that they will hear more on this subject from Engineering at the budget hearings.
27. Noted copy mailed: Memo from Executive Office of Transportation re FY 2006 Freight Rail Capital Funding program.
28. Noted copy mailed: E-mail from Nancy Phillips, 22 Oakland Avenue. Re Hunting. Take under advisement.
29. Noted copy mailed: E-mailed from Melisa Hollenback, 38 Stoney Hill Road, re Facilities Proposal. Take under advisement.
30. Noted copy mailed: Letter from Joy Buck, 11 Greylock Avenue, re hunting. Take under advisement.
31. Noted copy mailed: Letter from June Tomaiolo, President, Trillium Investment Corp., requesting that Turtle Creek Circle be placed on Annual Town Meeting Warrant for acceptance. Forward to Engineering for placement on Town Meeting Warrant.
32. Noted copy mailed: Letter from Nancy Gilbert, 9 Old Laxfield Road, re vacancy on the Library Board of Trustees. Send acknowledgement letter and hold for Joint Meeting with Library Board.
33. Noted copy mailed: E-mail from Rob Koenig, 16 Janet Circle, re Message.
34. Noted copy mailed: School Committee Meeting Minutes, 11/2/05.
35. Noted copy mailed: Notice from Dept. of Housing & Community Development re FY 2006 Action Plan Drafts and hearing dates.
36. Noted copy mailed: Letter from Richard & Shirley Geoffrion, 3 Birch Lane, re intersection of North and High Streets. Hold for continuation of tree hearing on January 23<sup>rd</sup>.
37. Noted copy mailed: ZBA Hearing Minutes, 12/6/05, Marc & Pamela LeBlanc, 12 Kingston Street.
38. Noted copy mailed: ZBA Hearing Minutes, 12/6/05, Robert Derderian & John Derderian, 731 Hartford Turnpike.

Motion was made, seconded, and unanimously voted to adjourn at 8:37pm The Board was polled, Mr. Card, yes, Mr. DePalo, yes, Mr. Fiore, yes, and Mr. Hammond, yes.

Respectfully submitted,

Janice C. McCoy  
Secretary

